



# Fairview Township Police Department

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Jason C. Loper  
Chief of Police

[www.fairviewpolice.org](http://www.fairviewpolice.org)

Match 11, 2019

Dylan Segelbaum  
York Daily Record  
1891 Loucks Road  
York, PA 17408

RE: RTK Request to the Fairview Township Police Department

Dear Mr.Segelbaum:

Thank you for writing to the Fairview Township Police Department with your request for records pursuant to the Pennsylvania Right-to-Know Law. On Tuesday March 5, 2019 we received a standard right-to-know request form via US Mail dated February 28, 2019 requesting the following:

*"Copies of written memos, procedures and policies on how police officers are to conduct prostitution investigations. If possible, please provide any responsive records via email to [dsegelbaum@ydr.com](mailto:dsegelbaum@ydr.com)."*

Your request is approved in part and denied in part. I am providing you with a copy of Fairview Township Police Department's Vice Investigations policy. However, part of the policy listed under Operational Procedures was redacted due to concerns of officer safety.

The parts that were redacted do not specifically involve prostitution investigations or go into detail about what an undercover officer can or can't do in those situations. They do, however, deal directly with safety considerations for the officers involved and apply to all vice-related investigations. It would not be prudent to compromise the safety of those involved in future incidents by providing information that could potentially be used to harm them.

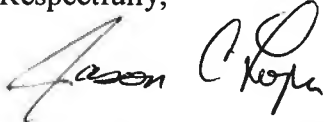
Should you wish to appeal my decision of redacting a small portion of the policy, you must do so in writing to the Executive Director of the Office of Open Records, Commonwealth Keystone Building, 400 North Street, 4<sup>th</sup> Floor, Harrisburg, Pa 17102.

In accordance with Section 1101 of the Law, if you choose to file an appeal you must do so within fifteen (15) days of the mailing date of this response. Please note that a copy of your original Right-to-Know request and this denial letter must be included when filing an appeal. The Law also

requires that you state the reasons why the record is a public record and address the reasons why the Police Department denies your request. Visit the Office of Open Records website at [openrecords.state.pa.us](http://openrecords.state.pa.us) for further information on filing an appeal.

Please be advised that this correspondence will serve to close this record for our office as permitted by law.

Respectfully,

A handwritten signature in black ink, appearing to read "Jason C. Loper". The signature is written in a cursive, flowing style.

Chief Jason C. Loper, Right-to Know Officer



TYPE OF DIRECTIVE	NUMBER	PAGES
General Order	6.7	4
SUBJECT: Vice Investigations		
ISSUED DATE: October 16, 2017	EFFECTIVE DATE: October 26, 2017	
AMENDS:		

**This order consists of the following sections:**

- 6.7.1 Definitions**
- 6.7.2 Official Funds**
- 6.7.3 Confidential Informants**
- 6.7.4 Operational Procedures**
- 6.7.5 Violations of Policy**

**Purpose and Policy:**

This policy is designed to set procedures and guidelines for officers conducting vice-related investigations such as drugs and prostitution. Given the nature of these investigations, certain precautions must be in place to insure the integrity of the investigation and this agency as well as the safety of the officers. When conducting investigations into this type of criminal activity, all officers shall abide by these guidelines.

**6.7.1 Definitions**

**Confidential Informant (CI):** A private person who furnishes information about suspected criminals or criminal activity in exchange for consideration, either prosecutorial, judicial or financial, and whether it is for his or her benefit or that of a third person; or a person who actively participates in a criminal investigation or intelligence operation under the direct supervision of Fairview Township Police Officers, with or without compensation.

**Official Funds:** Money provide by the District Attorney's Office or other Law Enforcement Agency used in an official capacity to further a criminal investigation or provide minimal compensation to a confidential informant.

**Vice Crimes:** Crimes that offend the morals of a community and are at times thought to be victimless. Examples are drugs, prostitution, gambling, and pornography. Investigations into such crimes are often in an undercover capacity and may involve the use of informants, wiretaps and surveillance.

### **6.7.2 Official Funds**

- A. Official funds maintained by Fairview Township will be kept in a lock-box in a secure location with access by the department representative with the drug task force, Lieutenant, and Chief.
- B. Authorized use of official funds for investigations include purchasing drugs, fronting money to another individual in a prostitution investigation and any other use deemed acceptable by the Chief of Police or Lieutenant. Funds may also be given to informants to cover expenses.
- C. Any funds given to a CI for expenses shall also be issued a receipt signed by the investigating officer and CI. A copy of the receipt will be retained in the lock box. A second officer must witness the payment and also sign the receipt.
- D. Any drug purchase exceeding \$200 must be approved by the Chief of Police or Lieutenant.
- E. A log sheet documenting the disbursement of all funds shall be kept with the funds inside the lock box.
- F. Any funds removed from the lock box to be used for an investigation but not kept by a suspect, such as in a prostitution detail, shall be documented on the log sheet when it is both removed and subsequently replaced.
- G. The department's representative on the York County Drug Task Force will report all disbursements of official funds in the monthly statistical report that is submitted to the District Attorney's Office.

### **6.7.3 Confidential Informants**

- A. Prior to using an individual as a CI, a comprehensive interview must take place to determine a person's eligibility, motivations and potential value. During the interview the following shall be addressed:
  - 1. CIs are not police officers and shall never represent themselves as such.
  - 2. CIs shall not carry firearms or other weapons while cooperating with investigations.
  - 3. CIs shall not participate in criminal activity.
  - 4. CIs shall follow the instructions of the supervising officer.
  - 5. CIs shall remain in communication with and stay available to the supervising officer until all investigations pertaining to them are closed.
  - 6. CIs will not hold the Fairview Township Police Department or the York County Drug Task force or any other law enforcement agency responsible for any injury sustained as a result of their cooperation with investigations.
  - 7. Information provided by a CI may result in a criminal proceeding. The police department will use all lawful means to protect their identity, but cannot guarantee it will not be disclosed.
- B. Any subject to be used as a CI shall be approved by the District Attorney's office. Approval must be given prior to the informant's activation in order to be given any consideration on current or future criminal charges.
- C. Contact shall be made to the Probation Officer for any subject who is currently on probation. If the probation officer does not wish the subject to be used as a CI, that information should be made known to the District Attorney's office.

- D. Juveniles may only be used as a CI with the written consent of a parent or legal guardian. In cases where the parent or guardian are the targets of an investigation, the District Attorney or his designee must give the written consent.
- E. All approved CIs must have an Informant Background Packet completed. The information packets will be kept in a secured location at the police station. The packet will contain personal information on the CI as well as a signed Informant Agreement.
- F. It is the officer's responsibility to document the CI's activity, to include the date, time, location and persons present. In order to determine the reliability of an informant, the investigative outcomes must be thoroughly documented.
- G. All meetings with a CI must be in the presence of two officers.
- H. An Assistant District Attorney (ADA) will be contacted for approval on consideration for a CI on current or future criminal charges.
- I. If consideration is given to a CI on current charges or even result in charges not being filed, documentation should be placed in the CI's file indicating specifically what the CI did that justify closing out criminal cases. A supplemental report should also be made in the applicable incident reports stating in very general terms why charges were not filed or were reduced. The name of the ADA, as well as the date and time of the ADA approval should be documented in both the CI file and the incident report.
- J. At no time should an officer be engaging in any type of social or personal relationship outside of working hours with an active or former informant within two years of the informant concluding all investigations.

#### **6.7.4 Operational Procedures**

- A. Prior to any undercover details, a briefing will be held with all involved officers. All undercover officers, CIs, and known targeted individuals will be identified. In addition, communication procedures, officer assignments, locations, and any use of force or other legal and policy issues should be addressed.

[REDACTED]

[REDACTED]

[REDACTED]

- E. A police car and a uniformed officer will be close by and readily available in all vice details.
- F. The officer who is working in an undercover capacity should never become involved in the arrest of a target unless a life or death situation arises.

#### **6.7.5 Violations of Policy**

- A. Officers who violate this policy will be subject to discipline as outlined in General Order 3.6.

**BY ORDER OF:**

**JASON C. LOPER  
CHIEF OF POLICE**